



ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS-INTERNATIONAL, INC.
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE
INTERNATIONAL ASSOCIATION OF FIRE CHIEFS
NATIONAL SHERIFFS ASSOCIATION
MAJOR CITIES CHIEFS ASSOCIATION
MAJOR COUNTY SHERIFFS ASSOCIATION

June 14, 2004

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: WT Docket 02-55

Dear Mr. Chairman:

We would like to respond briefly to recent submissions in this proceeding from Nextel Communications and Verizon Wireless.

Nextel has proposed, in addition to its prior commitments, that it relinquish 2 MHz of spectrum in the 800 MHz band for new public safety communications. From the public safety perspective, this enhancement has the following benefits:

- It provides capacity for 40 channels of new public safety communications, either on the specific frequencies being released by Nextel (816-817/861-862 MHz) or on frequencies below 816/861 MHz assigned to SMR or Business/Industrial licensees willing to “swap” channels with public safety. The additional capacity, along with spectrum that Nextel has already committed to relinquish under the Consensus Plan, can be used to relieve congestion on public safety systems and to provide greater interoperability through new and expanded multi-agency trunked radio systems.
- It further reduces the potential for future interference to public safety operations below 816/861 MHz, by providing additional frequency separation from Nextel’s cellular operations.

Therefore, we support Nextel’s proposed enhancement to the Consensus Plan, and urge that the Commission incorporate it into its pending order as quickly as possible.

Nextel’s recent submission also references the spectrum that it would relinquish in the 700 MHz band. This spectrum is in the current “guard band” between public safety and commercial spectrum allocations. As previously noted in this proceeding, the additional 700 MHz guard band spectrum would provide important enhancements to public safety communications. For example, the spectrum would be particularly useful for

carefully planned systems with limited areas of required coverage, such as campus environments, shopping centers, correctional facilities, and other specific locations that demand localized systems.

In addition to our support for Nextel's recent action, we wish to comment upon two recent statements by Verizon regarding the recent Nextel proposal. First, Verizon's official comment to the Commission dated June 9. Unfortunately, Verizon continues to repeat claims regarding the Consensus Plan that are simply incorrect. Once again it wrongly states that "public safety will be forced to spend taxpayer money first, then seek reimbursement from Nextel later." Verizon has repeatedly used this "scare tactic" to generate unwarranted fears among some in the public safety community. The reality is that public safety licensees will be able to demand that Nextel pay all costs directly, without any need for up-front expenditure of public funds. Verizon also continues to challenge the sufficiency of the \$850 million committed by Nextel to pay for re-banding. Yet we understand that the item before the Commission will require a much larger funding commitment from Nextel and ensure that the total cost of re-banding is covered, regardless of its final price tag.

Second, is the comment by Verizon's general counsel, Mr. Zipperstein which appeared in the June 10th issue of the Washington Post. He is quoted as saying "Nextel's new scheme doesn't provide an additional cent for public safety. Public safety needs money, not lousy spectrum." Mr. Chairman that's malarkey. Verizon does not know public safety's needs nor does it speak for public safety.

This matter has been pending for far too long. Public safety agencies and other 800 MHz licensees need to begin now to implement a comprehensive solution to the interference problem. We urge the Commission to move swiftly to adopt and release its final order. Our nation's first responders are waiting.

Respectfully,

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